



House of Representatives

General Assembly

File No. 812

January Session, 2015

Substitute House Bill No. 6835

House of Representatives, May 12, 2015

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ENGLISH LANGUAGE LEARNERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-17f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) Annually, the board of education for each local and regional
4 school district shall ascertain, in accordance with regulations adopted
5 by the State Board of Education, the eligible students in such school
6 district and shall classify such students according to their dominant
7 language.

8 (b) Whenever it is ascertained that there are in any public school
9 within a local or regional school district twenty or more eligible
10 students classified as dominant in any one language other than
11 English, the board of education of such district shall provide a
12 program of bilingual education for such eligible students for the school
13 year next following. Eligible students shall be placed in such program
14 in accordance with subsection (e) of this section.

15 (c) On or before July 1, 2000, the State Board of Education, within
16 available appropriations, shall develop a state English mastery
17 standard to assess the linguistic and academic progress of students in
18 programs of bilingual education. On and after September 1, 2000, each
19 local and regional board of education shall assess, annually, the
20 progress made by each student toward meeting the state standard. If a
21 student is not making sufficient progress toward meeting the state
22 standard based on the assessment, the local or regional board of
23 education shall provide language support services to the student in
24 consultation with the parent or guardian of the student to allow the
25 student to meet the state standard. Such services may include, but
26 need not be limited to, summer school, after-school assistance and
27 tutoring. If a student meets the state standard based on the assessment,
28 the student shall leave the program. Each local and regional board of
29 education shall document on a student's permanent record the date the
30 student begins in a program of bilingual education and the date and
31 results of the assessments required pursuant to this subsection.

32 (d) Each local and regional board of education shall limit the time
33 an eligible student spends in a program of bilingual education to thirty
34 months, whether or not such months are consecutive, except that such
35 time period may be extended in accordance with this section and
36 summer school and any two-way language programs established
37 pursuant to subsection (i) of this section shall not be counted. An
38 eligible student may spend up to an additional thirty months in a
39 program of bilingual education if (1) the local or regional board of
40 education responsible for educating such student requests an
41 extension of such bilingual education for such student to the
42 Department of Education, or (2) the Department of Education makes a
43 determination that an extension of such bilingual education for such
44 student is necessary. The department shall use the standards
45 developed pursuant to section 5 of this act in determining whether an
46 extension of a bilingual education program for an eligible student is
47 necessary. If an eligible student does not meet the English mastery
48 standard at the end of the initial thirty months or at the end of an
49 extension of the bilingual education program for such student, the

50 local or regional board of education shall provide language transition
51 and academic support services to such student. Such services may
52 include, but need not be limited to, English as a second language
53 programs, sheltered English programs, English immersion programs,
54 [tutoring and homework assistance, provided such services may not
55 include a program of bilingual education] or other research-based
56 language development programs. Families may also receive guidance
57 from school professionals to help their children make progress in their
58 native language. If an eligible student enrolls in a secondary school
59 when the student has fewer than thirty months remaining before
60 graduation, the local or regional board of education shall assign the
61 student to an English as a second language program and may provide
62 intensive services to the student to enable the student to speak, write
63 and comprehend English by the time the student graduates and to
64 meet the course requirements for graduation.

65 (e) Each local and regional board of education shall hold a meeting
66 with the parents and legal guardians of eligible students to explain the
67 benefits of the language program options available in the school
68 district, including an English language immersion program, and any
69 native language accommodations that may be available for the mastery
70 examination, administered pursuant to section 10-14n, as amended by
71 this act. The parents and legal guardians may bring an interpreter or
72 an advisor to the meeting. If the parent or legal guardian of an eligible
73 student opts to have such student placed in a program of bilingual
74 education, the local or regional board of education shall place the child
75 in such program.

76 (f) The board of education for each local and regional school district
77 which is required to provide a program of bilingual education shall
78 initially endeavor to implement the provisions of subsection (b) of this
79 section through in-service training for existing certified professional
80 employees, and thereafter, shall give preference in hiring to such
81 certified professional employees as are required to maintain the
82 program.

83 (g) The State Board of Education shall adopt regulations, in
84 accordance with the provisions of chapter 54, to establish requirements
85 for: (1) Such programs, which may be modeled after policy established
86 by the Department of Education for bilingual education programs; (2)
87 local and regional boards of education to integrate bilingual and
88 English as a second language program faculty in all staff, planning and
89 curriculum development activities; and (3) all bilingual education
90 teachers employed by a local or regional board of education, on and
91 after July 1, 2001, to meet all certification requirements, including
92 completion of a teacher preparation program approved by the State
93 Board of Education, or to be certified through an alternate route to
94 certification program.

95 (h) Each board of education for a local and regional school district
96 which is required to provide for the first time a program of bilingual
97 education shall prepare and submit to the Commissioner of Education
98 for review a plan to implement such program, in accordance with
99 regulations adopted by the State Board of Education.

100 (i) Each local and regional board of education that is required to
101 provide a program of bilingual education pursuant to this section shall
102 investigate the feasibility of establishing two-way language programs
103 starting in kindergarten.

104 Sec. 2. Section 10-17g of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective July 1, 2015*):

106 Annually, the board of education for each local and regional school
107 district that is required to provide a program of bilingual education,
108 pursuant to section 10-17f, as amended by this act, may make
109 application to the State Board of Education and shall thereafter receive
110 a grant in an amount equal to the product obtained by multiplying the
111 total appropriation available for such purpose by the ratio which the
112 number of eligible children in the school district bears to the total
113 number of such eligible children state-wide. The board of education for
114 each local and regional school district receiving funds pursuant to this
115 section shall annually, on or before September first, submit to the State

116 Board of Education a progress report which shall include (1) measures
117 of increased educational opportunities for eligible students, including
118 language support services and language transition support services
119 provided to such students, (2) program evaluation and measures of the
120 effectiveness of its bilingual education and English as a second
121 language programs, including data on students in bilingual education
122 programs and students educated exclusively in English as a second
123 language programs, and (3) certification by the board of education
124 submitting the report that any funds received pursuant to this section
125 have been used for the purposes specified. The State Board of
126 Education shall annually evaluate programs conducted pursuant to
127 section 10-17f, as amended by this act. For purposes of this section,
128 measures of the effectiveness of bilingual education and English as a
129 second language programs include, but need not be limited to, mastery
130 examination results, under section 10-14n, as amended by this act, and
131 graduation and school dropout rates. Notwithstanding the provisions
132 of this section, for the fiscal years ending June 30, 2009, to June 30,
133 2015, inclusive, the amount of grants payable to local or regional
134 boards of education under this section shall be reduced
135 proportionately if the total of such grants in such year exceeds the
136 amount appropriated for such grants for such year.

137 Sec. 3. Section 10-17j of the general statutes is repealed and the
138 following is substituted in lieu thereof (*Effective July 1, 2015*):

139 (a) If a local or regional board of education is not able to hire a
140 sufficient number of certified bilingual education teachers for a school
141 year, the board of education [may] shall apply to the Commissioner of
142 Education for permission to use a certified teacher of English as a
143 second language to fill its need and the commissioner may grant such
144 request for good cause shown.

145 (b) The Department of Education shall promote and encourage
146 teacher exchange programs and provide information to local and
147 regional boards of education on such programs in order to increase
148 foreign language proficiency and cultural understanding.

149 Sec. 4. (*Effective from passage*) The Department of Education shall
150 study the feasibility of using regional educational service centers to
151 assist local and regional boards of education with a low enrollment of
152 eligible students under subsection (b) of section 10-17f of the general
153 statutes, as amended by this act, in the provision of programs of
154 bilingual education and language transition and academic support
155 services. Such programs and services may include, but need not be
156 limited to, English as second language programs, sheltered English
157 programs, English immersion programs or other research-based
158 language development programs, as described in section 10-17f of the
159 general statutes, as amended by this act. Not later than January 1, 2016,
160 the department shall submit a report on its findings and
161 recommendations to the joint standing committee of the General
162 Assembly having cognizance of matters relating to education, in
163 accordance with the provisions of section 11-4a of the general statutes.

164 Sec. 5. (NEW) (*Effective July 1, 2015*) Not later than July 1, 2016, the
165 Department of Education, in consultation with public institutions of
166 higher education, persons with expertise in bilingual education
167 programming and bilingual education teachers, shall develop
168 standards for determining whether an extension of a bilingual
169 education program is necessary for an eligible student, as described in
170 section 10-17f of the general statutes, as amended by this act, following
171 thirty months in such bilingual education program, pursuant to
172 subsection (d) of section 10-17f of the general statutes, as amended by
173 this act.

174 Sec. 6. (NEW) (*Effective July 1, 2015*) Not later than July 1, 2016, the
175 Department of Education shall provide information to local and
176 regional boards of education about (1) research-based practices on how
177 to involve parents and legal guardians of eligible students in the
178 language acquisition process, and (2) native language accommodations
179 for students on the state-wide mastery examination, administered
180 pursuant to section 10-14n of the general statutes, as amended by this
181 act.

182 Sec. 7. Subsection (a) of section 10-220a of the general statutes is
183 repealed and the following is substituted in lieu thereof (*Effective July*
184 *1, 2015*):

185 (a) Each local or regional board of education shall provide an in-
186 service training program for its teachers, administrators and pupil
187 personnel who hold the initial educator, provisional educator or
188 professional educator certificate. Such program shall provide such
189 teachers, administrators and pupil personnel with information on (1)
190 the nature and the relationship of drugs, as defined in subdivision (17)
191 of section 21a-240, and alcohol to health and personality development,
192 and procedures for discouraging their abuse, (2) health and mental
193 health risk reduction education which includes, but need not be
194 limited to, the prevention of risk-taking behavior by children and the
195 relationship of such behavior to substance abuse, pregnancy, sexually
196 transmitted diseases, including HIV-infection and AIDS, as defined in
197 section 19a-581, violence, teen dating violence, domestic violence, child
198 abuse and youth suicide, (3) the growth and development of
199 exceptional children, including handicapped and gifted and talented
200 children and children who may require special education, including,
201 but not limited to, children with attention-deficit hyperactivity
202 disorder or learning disabilities, and methods for identifying, planning
203 for and working effectively with special needs children in a regular
204 classroom, including, but not limited to, implementation of student
205 individualized education programs, (4) school violence prevention,
206 conflict resolution, the prevention of and response to youth suicide
207 and the identification and prevention of and response to bullying, as
208 defined in subsection (a) of section 10-222d, except that those boards of
209 education that implement any evidence-based model approach that is
210 approved by the Department of Education and is consistent with
211 subsection (d) of section 10-145a, sections 10-222d, 10-222g and 10-
212 222h, subsection (g) of section 10-233c and sections 1 and 3 of public
213 act 08-160, shall not be required to provide in-service training on the
214 identification and prevention of and response to bullying, (5)
215 cardiopulmonary resuscitation and other emergency life saving
216 procedures, (6) computer and other information technology as applied

217 to student learning and classroom instruction, communications and
218 data management, (7) the teaching of the language arts, reading and
219 reading readiness for teachers in grades kindergarten to three,
220 inclusive, (8) second language acquisition in districts required to
221 provide a program of bilingual education pursuant to section 10-17f, as
222 amended by this act, (9) the requirements and obligations of a
223 mandated reporter, and (10) the teacher evaluation and support
224 program adopted pursuant to subsection (b) of section 10-151b. Each
225 local and regional board of education may allow any paraprofessional
226 or noncertified employee to participate, on a voluntary basis, in any in-
227 service training program provided pursuant to this section. The State
228 Board of Education, within available appropriations and utilizing
229 available materials, shall assist and encourage local and regional
230 boards of education to include: (A) Holocaust and genocide education
231 and awareness; (B) the historical events surrounding the Great Famine
232 in Ireland; (C) African-American history; (D) Puerto Rican history; (E)
233 Native American history; (F) personal financial management; (G)
234 domestic violence and teen dating violence; (H) mental health first aid
235 training; (I) second language acquisition, including, but not limited to,
236 language development and culturally responsive pedagogy; and [(I)]
237 [(I)] topics approved by the state board upon the request of local or
238 regional boards of education as part of in-service training programs
239 pursuant to this subsection.

240 Sec. 8. (NEW) (*Effective July 1, 2015*) The Department of Education
241 shall annually collect and disaggregate student data on the mastery
242 examination, conducted pursuant to section 10-14n of the general
243 statutes, as amended by this act, for students in bilingual education
244 programs for the purposes of monitoring (1) the academic progress of
245 students in bilingual education programs, and (2) the quality of
246 bilingual education programs offered by local and regional boards of
247 education. Not later than July 1, 2016, and annually thereafter, the
248 Department of Education shall submit a report on its findings
249 regarding such student data to the joint standing committee of the
250 General Assembly having cognizance of matters relating to education,
251 in accordance with the provisions of section 11-4a of the general

252 statutes.

253 Sec. 9. (*Effective July 1, 2015*) (a) For the school years commencing
254 July 1, 2015, and July 1, 2016, the Department of Education, in
255 consultation with public institutions of higher education and persons
256 with expertise in language acquisition, shall administer an English
257 language learner pilot program. The department shall select the
258 following participants for inclusion in the pilot program: (1) The three
259 school districts with the highest total number of English language
260 learner students, (2) the school district with the highest percentage of
261 English language learner students to total student population, and (3)
262 the regional educational service center that serves the region with the
263 greatest need for services and support for English language learner
264 students. Participants in the pilot program shall develop language
265 acquisition plans for English language learner students that (A) are
266 research-based, (B) are developed in consultation with the department,
267 public institutions of higher education or persons with expertise in
268 language acquisition, and (C) take into consideration such things as the
269 size of the school district or region, the characteristics of the English
270 language learner student population, the geography and demography
271 of the school district or region, the number of bilingual education
272 teachers and the native languages of the student population.

273 (b) The English language learner pilot program established under
274 this section shall be evaluated by an independent evaluator from an
275 institution of higher education or a professional evaluator with
276 expertise in language acquisition. Not later than October 1, 2017, such
277 evaluation shall be submitted to the Department of Education and the
278 joint standing committee of the General Assembly having cognizance
279 of matters relating to education, in accordance with the provisions of
280 section 11-4a of the general statutes.

281 Sec. 10. Section 10-14n of the general statutes is repealed and the
282 following is substituted in lieu thereof (*Effective July 1, 2015*):

283 (a) As used in this section, "mastery examination" means an
284 examination or examinations, approved by the State Board of

285 Education, that measure essential and grade-appropriate skills in
286 reading, writing, mathematics or science.

287 (b) (1) For the school year commencing July 1, 2013, and each school
288 year thereafter, each student enrolled in grades three to eight,
289 inclusive, and grade ten or eleven in any public school shall, annually,
290 take a mastery examination in reading, writing and mathematics.

291 (2) For the school year commencing July 1, 2013, and each school
292 year thereafter, each student enrolled in grade five, eight, ten or eleven
293 in any public school shall, annually, in March or April, take a state-
294 wide mastery examination in science.

295 (c) Mastery examinations pursuant to subsection (b) of this section
296 shall be (1) provided by and administered under the supervision of the
297 State Board of Education, and (2) for the school year commencing July
298 1, 2017, and each school year thereafter, offered in the five most
299 common native languages of eligible students in bilingual education
300 programs, pursuant to section 10-17f, as amended by this act, taking
301 such mastery examinations.

302 (d) The scores on each component of the mastery examination for
303 each tenth or eleventh grade student may be included on the
304 permanent record and transcript of each such student who takes such
305 examination. For each tenth or eleventh grade student who meets or
306 exceeds the state-wide mastery goal level on any component of the
307 mastery examination, a certification of having met or exceeded such
308 goal level shall be made on the permanent record and the transcript of
309 each such student and such student shall be issued a certificate of
310 mastery for such component. Each tenth or eleventh grade student
311 who fails to meet the mastery goal level on each component of said
312 mastery examination may annually take or retake each such
313 component at its regular administration until such student scores at or
314 above each such state-wide mastery goal level or such student
315 graduates or reaches age twenty-one.

316 (e) No public school may require achievement of a satisfactory score

317 on a mastery examination, or any subsequent retest on a component of
318 such examination as the sole criterion of promotion or graduation.

319 (f) For the school year commencing July 1, 2015, and each school
320 year thereafter, the scores on each component of the mastery
321 examination for eligible students in bilingual education programs,
322 pursuant to section 10-17f, as amended by this act, for less than twenty
323 consecutive months shall not be used for purposes of calculating the
324 school performance index, pursuant to section 10-223e, or the district
325 performance index, pursuant to section 10-262u, as amended by this
326 act.

327 Sec. 11. (*Effective from passage*) Not later than July 1, 2017, the
328 Department of Education shall develop mastery examinations,
329 administered pursuant to section 10-14n of the general statutes, as
330 amended by this act, in the five most common native languages of
331 eligible students in bilingual education programs, pursuant to section
332 10-17f of the general statutes, as amended by this act. In developing
333 such native language mastery examinations, the department shall first
334 develop a mastery examination in the native language that is most
335 common among such eligible students and develop subsequent
336 mastery examinations according the next most common native
337 language among such eligible students. The department shall give
338 priority in the development of such mastery examinations to the five
339 most common native languages of such eligible students.

340 Sec. 12. Section 10-151b of the general statutes is repealed and the
341 following is substituted in lieu thereof (*Effective July 1, 2015*):

342 (a) The superintendent of each local or regional board of education
343 shall annually evaluate or cause to be evaluated each teacher, and for
344 the school year commencing July 1, 2013, and each school year
345 thereafter, such annual evaluations shall be the teacher evaluation and
346 support program adopted pursuant to subsection (b) of this section.
347 The superintendent may conduct additional formative evaluations
348 toward producing an annual summative evaluation. An evaluation
349 pursuant to this subsection shall include, but need not be limited to,

350 strengths, areas needing improvement, strategies for improvement and
351 multiple indicators of student academic growth. Claims of failure to
352 follow the established procedures of such teacher evaluation and
353 support program shall be subject to the grievance procedure in
354 collective bargaining agreements negotiated subsequent to July 1, 2004.
355 In the event that a teacher does not receive a summative evaluation
356 during the school year, such teacher shall receive a "not rated"
357 designation for such school year. The superintendent shall report (1)
358 the status of teacher evaluations to the local or regional board of
359 education on or before June first of each year, and (2) the status of the
360 implementation of the teacher evaluation and support program,
361 including the frequency of evaluations, aggregate evaluation ratings,
362 the number of teachers who have not been evaluated and other
363 requirements as determined by the Department of Education, to the
364 Commissioner of Education on or before June thirtieth of each year.
365 For purposes of this section, the term "teacher" shall include each
366 professional employee of a board of education, below the rank of
367 superintendent, who holds a certificate or permit issued by the State
368 Board of Education.

369 (b) Except as provided in subsection (d) of this section, not later
370 than September 1, 2013, each local and regional board of education
371 shall adopt and implement a teacher evaluation and support program
372 that is consistent with the guidelines for a model teacher evaluation
373 and support program adopted by the State Board of Education,
374 pursuant to subsection (c) of this section. Such teacher evaluation and
375 support program shall be developed through mutual agreement
376 between the local or regional board of education and the professional
377 development and evaluation committee for the school district,
378 established pursuant to subsection (b) of section 10-220a. If a local or
379 regional board of education is unable to develop a teacher evaluation
380 and support program through mutual agreement with such
381 professional development and evaluation committee, then such board
382 of education and such professional development and evaluation
383 committee shall consider the model teacher evaluation and support
384 program adopted by the State Board of Education, pursuant to

385 subsection (c) of this section, and such board of education may adopt,
386 through mutual agreement with such professional development and
387 evaluation committee, such model teacher evaluation and support
388 program. If a local or regional board of education and the professional
389 development and evaluation committee are unable to mutually agree
390 on the adoption of such model teacher evaluation and support
391 program, then such board of education shall adopt and implement a
392 teacher evaluation and support program developed by such board of
393 education, provided such teacher evaluation and support program is
394 consistent with the guidelines adopted by the State Board of
395 Education, pursuant to subsection (c) of this section. Each local and
396 regional board of education may commence implementation of the
397 teacher evaluation and support program adopted pursuant to this
398 subsection in accordance with a teacher evaluation and support
399 program implementation plan adopted pursuant to subsection (d) of
400 this section.

401 (c) (1) [On] Subject to the provisions of subsection (e) of this section,
402 on or before July 1, [2012] 2016, the State Board of Education shall
403 adopt, in consultation with the Performance Evaluation Advisory
404 Council established pursuant to section 10-151d, guidelines for a
405 model teacher evaluation and support program. Such guidelines shall
406 include, but not be limited to, (A) the use of four performance
407 evaluations designators: Exemplary, proficient, developing and below
408 standard; (B) the use of multiple indicators of student academic
409 growth and development in teacher evaluations; (C) methods for
410 assessing student academic growth and development; (D) a
411 consideration of control factors tracked by the state-wide public school
412 information system, pursuant to subsection (c) of section 10-10a, that
413 may influence teacher performance ratings, including, but not limited
414 to, student characteristics, student attendance and student mobility; (E)
415 minimum requirements for teacher evaluation instruments and
416 procedures, including scoring systems to determine exemplary,
417 proficient, developing and below standard ratings; (F) the
418 development and implementation of periodic training programs
419 regarding the teacher evaluation and support program to be offered by

420 the local or regional board of education or regional educational service
421 center for the school district to teachers who are employed by such
422 local or regional board of education and whose performance is being
423 evaluated and to administrators who are employed by such local or
424 regional board of education and who are conducting performance
425 evaluations; (G) the provision of professional development services
426 based on the individual or group of individuals' needs that are
427 identified through the evaluation process; (H) the creation of
428 individual teacher improvement and remediation plans for teachers
429 whose performance is developing or below standard, designed in
430 consultation with such teacher and his or her exclusive bargaining
431 representative for certified teachers chosen pursuant to section 10-
432 153b, and that (i) identify resources, support and other strategies to be
433 provided by the local or regional board of education to address
434 documented deficiencies, (ii) indicate a timeline for implementing such
435 resources, support, and other strategies, in the course of the same
436 school year as the plan is issued, and (iii) include indicators of success
437 including a summative rating of proficient or better immediately at the
438 conclusion of the improvement and remediation plan; (I) opportunities
439 for career development and professional growth; and (J) a validation
440 procedure to audit evaluation ratings of exemplary or below standard
441 by the department or a third-party entity approved by the department.

442 (2) The State Board of Education shall, following the completion of
443 the teacher evaluation and support pilot program, pursuant to section
444 10-151f, and the submission of the study of such pilot program,
445 pursuant to section 10-151g, review and may revise, as necessary, the
446 guidelines for a model teacher evaluation and support program and
447 the model teacher evaluation and support program adopted under this
448 subsection.

449 (d) A local or regional board of education may phase in full
450 implementation of the teacher evaluation and support program
451 adopted pursuant to subsection (b) of this section during the school
452 years commencing July 1, 2013, and July 1, 2014, pursuant to a teacher
453 evaluation and support program implementation plan adopted by the

454 State Board of Education, in consultation with the Performance
455 Evaluation Advisory Council, not later than July 1, 2013. The
456 Commissioner of Education may waive the provisions of subsection
457 (b) of this section and the implementation plan provisions of this
458 subsection for any local or regional board of education that has
459 expressed an intent, not later than July 1, 2013, to adopt a teacher
460 evaluation program for which such board requests a waiver in
461 accordance with this subsection.

462 (e) Any teacher performance evaluation conducted under a teacher
463 evaluation and support program, adopted pursuant to subsection (b)
464 of this section, shall not include, for purposes of using multiple
465 indicators of student academic growth and development, any student
466 performance data on the mastery examination, administered pursuant
467 to section 10-14n, as amended by this act, of eligible students in
468 bilingual education programs, pursuant to section 10-17f, as amended
469 by this act, for less than twenty consecutive months.

470 Sec. 13. Subsection (d) of section 10-262u of the general statutes is
471 repealed and the following is substituted in lieu thereof (*Effective July*
472 *1, 2015*):

473 (d) The local or regional board of education for a town designated
474 as an alliance district may apply to the Commissioner of Education, at
475 such time and in such manner as the commissioner prescribes, to
476 receive any increase in funds received over the amount the town
477 received for the prior fiscal year pursuant to subsection (a) of section
478 10-262i. Applications pursuant to this subsection shall include
479 objectives and performance targets and a plan that may include, but
480 not be limited to, the following: (1) A tiered system of interventions for
481 the schools under the jurisdiction of such board based on the needs of
482 such schools, (2) ways to strengthen the foundational programs in
483 reading, through the intensive reading instruction program pursuant
484 to section 10-14u, to ensure reading mastery in kindergarten to grade
485 three, inclusive, with a focus on standards and instruction, proper use
486 of data, intervention strategies, current information for teachers,

487 parental engagement, and teacher professional development, (3)
488 additional learning time, including extended school day or school year
489 programming administered by school personnel or external partners,
490 (4) a talent strategy that includes, but is not limited to, teacher and
491 school leader recruitment and assignment, career ladder policies that
492 draw upon guidelines for a model teacher evaluation program
493 adopted by the State Board of Education, pursuant to section 10-151b,
494 and adopted by each local or regional board of education. Such talent
495 strategy may include provisions that demonstrate increased ability to
496 attract, retain, promote and bolster the performance of staff in
497 accordance with performance evaluation findings and, in the case of
498 new personnel, other indicators of effectiveness, (5) training for school
499 leaders and other staff on new teacher evaluation models, (6)
500 provisions for the cooperation and coordination with early childhood
501 education providers to ensure alignment with district expectations for
502 student entry into kindergarten, including funding for an existing local
503 Head Start program, (7) provisions for the cooperation and
504 coordination with other governmental and community programs to
505 ensure that students receive adequate support and wraparound
506 services, including community school models, (8) provisions for
507 implementing and furthering state-wide education standards adopted
508 by the State Board of Education and all activities and initiatives
509 associated with such standards, (9) provisions for the enhancement of
510 bilingual education programs, pursuant to section 10-17f, as amended
511 by this act, or other language acquisition services to English language
512 learners, and [(9)] (10) any additional categories or goals as determined
513 by the commissioner. Such plan shall demonstrate collaboration with
514 key stakeholders, as identified by the commissioner, with the goal of
515 achieving efficiencies and the alignment of intent and practice of
516 current programs with conditional programs identified in this
517 subsection. The commissioner may (A) require changes in any plan
518 submitted by a local or regional board of education before the
519 commissioner approves an application under this subsection, and (B)
520 permit a local or regional board of education, as part of such plan, to
521 use a portion of any funds received under this section for the purposes

522 of paying tuition charged to such board pursuant to subdivision (1) of
523 subsection (k) of section 10-264l or subsection (b) of section 10-264o.

524 Sec. 14. (NEW) (*Effective July 1, 2015*) Not later than July 1, 2016,
525 each regional educational service center shall conduct a survey of
526 English language learner services and bilingual education programs
527 provided in the region serviced by the regional educational service
528 center for the purpose of identifying the need for enhanced or new
529 English language learner services and bilingual education programs
530 provided by the regional educational service center. Such survey shall
531 include, but need not be limited to, (1) an inventory of English
532 language learner services and bilingual education programs provided
533 by local and regional boards of education to public school students, (2)
534 the number of students receiving English language learner services or
535 enrolled in bilingual education programs provided by a local or
536 regional board of education, (3) the total cost incurred by each school
537 district for all such English language learner services and bilingual
538 education programs and the cost incurred by each school district for
539 each such English language learner service and bilingual education
540 program. Each regional educational service center shall develop and
541 maintain its own survey procedure and may conduct subsequent
542 surveys as necessary.

543 Sec. 15. (*Effective from passage*) Each regional educational service
544 center shall study the feasibility of such regional educational service
545 center providing and administering new English language learner
546 services and bilingual education programs that are of equal or greater
547 quality than those currently provided by local or regional boards of
548 education in the region serviced by such regional educational service
549 center. The feasibility study shall (1) identify new and current English
550 language learner services and bilingual education programs provided
551 by the regional educational service center, (2) take into account the
552 areas of need identified in the survey conducted pursuant to section 14
553 of this act, (3) include a consideration of the infrastructure, planning,
554 personnel, funding and additional needs required to initiate and
555 maintain English language learner services and bilingual education

556 programs provided by the regional educational service center, and (4)
 557 include recommendations for sites for future English language learner
 558 services and bilingual education programs provided by the regional
 559 education service center and a timeline for the implementation of such
 560 English language learner services and bilingual education programs.
 561 Not later than October 1, 2016, each regional educational service center
 562 shall submit such feasibility study to the State Board of Education and
 563 the joint standing committee of the General Assembly having
 564 cognizance of matters relating to education, in accordance with the
 565 provisions of section 11-4a of the general statutes.

| | | |
|---|--------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | July 1, 2015 | 10-17f |
| Sec. 2 | July 1, 2015 | 10-17g |
| Sec. 3 | July 1, 2015 | 10-17j |
| Sec. 4 | from passage | New section |
| Sec. 5 | July 1, 2015 | New section |
| Sec. 6 | July 1, 2015 | New section |
| Sec. 7 | July 1, 2015 | 10-220a(a) |
| Sec. 8 | July 1, 2015 | New section |
| Sec. 9 | July 1, 2015 | New section |
| Sec. 10 | July 1, 2015 | 10-14n |
| Sec. 11 | from passage | New section |
| Sec. 12 | July 1, 2015 | 10-151b |
| Sec. 13 | July 1, 2015 | 10-262u(d) |
| Sec. 14 | July 1, 2015 | New section |
| Sec. 15 | from passage | New section |

Statement of Legislative Commissioners:

In Section 9(a), added "The" in subdivision (1) and replaced "a" with "the" for clarity, and in Section 12(c)(1), bracketed "2012" and added "2016" for accuracy.

ED Joint Favorable Subst. C/R

APP

APP Joint Favorable Subst.-LCO

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 16 \$ | FY 17 \$ |
|--|-------------|----------|----------|
| Education, Dept. | GF - Cost | 148,298 | 148,298 |
| State Comptroller - Fringe Benefits ¹ | GF - Cost | 57,317 | 57,317 |
| Education, Dept. | GF - Cost | 425,000 | 425,000 |

Note: GF=General Fund

Municipal Impact:

| Municipalities | Effect | FY 16 \$ | FY 17 \$ |
|--|----------------------|-------------------------|-------------|
| Local and Regional School Districts | STATE MANDATE - Cost | up to 1,000 | up to 1,000 |
| Local and Regional School Districts | Potential Cost | See Below | See Below |
| Regional Educational Service Centers (RESCs) | Cost | 150,000 for all 6 RESCs | none |

Explanation

The bill establishes several new requirements for the State Department of Education (SDE) relating to bilingual education and English language learner services. SDE would require two additional staff to complete the requirements contained within the bill: (1) an Education Service Specialist (with an annual salary of \$74,149) for the Academic Office to help coordinate with local and regional school districts, regional educational service centers (RESCs) and institutions of higher education; and (2) an Education Service Specialist (with an annual salary of \$74,149) for the Bureau of Research to develop, monitor and maintain additional accountability measures for English

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.65% of payroll in FY 16 and FY 17.

language learner students. In addition to personal service costs of \$148,298 in both FY 16 and FY 17, corresponding fringe benefit costs of \$57,317 would also be incurred in FY 16 and FY 17.

The bill allows an eligible student to receive up to an additional thirty months of bilingual education. This will result in a cost to local and regional school districts that provide additional months of bilingual education. The cost to local and regional school districts is unknown, as the SDE does not currently collect this data. The change could also result in an increased cost to the state, associated with the Bilingual Education grant. Currently, the grant is capped at \$1.9 million, and districts receive grant amounts varying from \$2,000 per district to approximately \$300,000 per district. If the grant were to be uncapped, the state would be responsible for reimbursing districts for a portion of their additional expenditures. Additionally, increasing the limit from 30 to up to 60 months could result in a redistribution of funds between municipalities.

The bill requires local and regional school districts to provide in-service training in second language acquisition. This could result in a cost of up to \$1,000 to each local and regional school district.

The bill establishes an English language learner pilot program in four districts and one regional educational service center (RESC). It is estimated that each location would require \$75,000 in funding to complete the pilot (\$375,000 total). Additionally, the pilot must be evaluated by an independent evaluator. It is anticipated, based on the evaluation of similar pilot programs, the cost to contract for an evaluator would be approximately \$50,000.

Beginning in FY 16, the bill allows scores for bilingual education students with less than twenty months of consecutive bilingual education to be excluded in the calculation of the district performance index. This could result in a fiscal impact to local and regional school districts, as the district performance index is used to determine which districts are classified as Alliance Districts. Alliance Districts receive funding in ECS.

The bill requires each of the six RESCs to conduct (1) a survey of English language learner services and bilingual education programs provided in the region serviced by the RESC and (2) a feasibility study of RESCs providing and administering English language learner services that are of equal or greater quality than those provided by local and regional boards of education. It is anticipated that this could result in a cost of up to \$25,000 per RESC (total costs of \$150,000) to complete the new requirements.

sHB 6824, “AAC the Budget for the Biennium Ending June 30, 2017, and Other Provisions Relating to Revenue,” includes an additional \$1.3 million in FY 16 and \$2.0 million in FY 17 for bilingual education.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, except for the costs to RESCs, which are one-time in nature.

OLR Bill Analysis**sHB 6835*****AN ACT CONCERNING ENGLISH LANGUAGE LEARNERS.*****SUMMARY:**

This bill establishes a process under which, if certain criteria are met, a student may receive more than the current maximum of 30 months of bilingual education.

Under current law, each local or regional board of education must limit the time an eligible student spends in a bilingual education program to 30 months (three school years). Under the bill, an eligible student may spend up to an additional 30 months in a bilingual education program if (1) the board of education responsible for the student asks the State Department of Education (SDE) for an extension or (2) SDE determines, using standards the bill requires SDE to develop, that an extension is necessary.

By law, an eligible student is a public school student whose (1) dominant language is not English and (2) proficiency in English is not sufficient to assure equal educational opportunity in the regular school program (CGS § 10-17e).

The bill also makes other changes in the laws regarding bilingual education and English language learners (ELL), including requiring:

1. SDE to establish an ELL pilot program for four school districts with high percentages of ELL students and a regional education service center (RESC) (§ 9);
2. SDE to develop state mastery examinations in the five most common native languages of students eligible for bilingual education (§§ 10 & 11);

3. The State Board of Education (SBE) to adopt new teacher evaluation guidelines, by July 1, 2016, that include the bill's provision that bilingual student mastery test scores be excluded from teacher evaluation if the students have had less than 20 consecutive months of bilingual education (§ 12);
4. each of the state's six RESCs to study the feasibility of the RESC providing and administering new ELL services and bilingual education programs at least equal to those the local or regional boards of education provide (§ 15); and
5. SDE to annually report on the academic progress of students in bilingual education programs (§ 8).

EFFECTIVE DATE: July 1, 2015 except two RESC feasibility studies and a requirement that SDE develop master examinations in native languages are effective upon passage.

§ 1 — LANGUAGE SUPPORT SERVICES & BILINGUAL STUDENTS

Under current law, a board of education must provide language-transition support services to any student who does not meet the English mastery standard after 30 months of bilingual education. Under the bill, this requirement would also apply to students who do not meet the English mastery standard at the end of the bilingual extension period the bill creates. The bill also requires the boards to provide academic support services.

Furthermore, under current law, language-transition support may include programs such as English as a second language, sheltered English, English immersion, tutoring, and homework assistance, as long as they are not part of a bilingual program. The bill eliminates tutoring and homework assistance but adds other research-based language development programs.

By law, a school district must meet with the parents or legal guardians of an eligible student to explain the benefits of the district's

language program options. The bill specifies that this includes any native language accommodations that it has for Connecticut mastery examinations.

§ 2 — SBE ANNUAL EVALUATIONS OF BILINGUAL PROGRAMS

By law, SBE must annually evaluate the effectiveness of each bilingual education and English as a second language program offered at the district level. Mastery examination scores and graduation and drop-out rates may be used as part of the evaluation. The bill specifies that the evaluation need not be based solely on these scores and rates.

§ 3 — TEACHERS OF ENGLISH AS A SECOND LANGUAGE

The bill mandates that districts unable to hire enough certified bilingual teachers must apply to the education commissioner for permission to use certified English as a second language teachers instead. Current law permits, rather than requires, districts to do this. Bylaw, the commissioner may grant a request for good cause.

§ 4 — STUDY OF RESCS AND BILINGUAL EDUCATION

The bill requires SDE to study the feasibility of using RESCs to assist boards of education that have low enrollments of bilingual eligible students (presumably this means the number of eligible students in a district does not meet the 20-student threshold that triggers the bilingual education mandate). The study must examine how to provide bilingual education, language transition, and academic support and may include English as second language programs, sheltered English programs, English immersion programs, or other research-based language development programs related to ELL students.

Under the bill, SDE must submit the report on its findings and recommendations to the Education Committee by January 1, 2016.

§ 5 — STANDARDS FOR DETERMINING A BILINGUAL EXTENSION

By July 1, 2016, the bill requires SDE, in consultation with public higher education institutions, bilingual education programming

experts, and bilingual education teachers, to develop standards for determining whether an extension of is necessary for a student who has already received 30 months of bilingual education.

§ 6 — LANGUAGE ACQUISITION INFORMATION FOR PARENTS

The bill sets a July 1, 2016 deadline for SDE to give boards of education information on (1) research-based best practices involving parents and legal guardians of bilingual eligible students in the language acquisition process and (2) native language accommodations regarding state mastery exams.

§ 7— LANGUAGE ACQUISITION AND IN-SERVICE TRAINING

The bill requires SBE to assist and encourage local and regional boards of education to include second language acquisition, including language development and culturally responsive pedagogy, as part of their in-service training programs that must be provided to teachers. SBE must do this within available appropriations using available material.

§ 8 — ANNUAL REPORT ON ACADEMIC PROGRESS OF BILINGUAL EDUCATION STUDENTS

The bill requires SDE to annually collect and disaggregate student mastery examination data for students in bilingual education programs to monitor (1) their academic progress and (2) the quality of bilingual education programs offered by local and regional boards of education. By July 1, 2016, and annually afterwards, SDE must submit a report on its findings regarding the data to the Education Committee.

§ 9 — ELL PILOT PROGRAM AND EVALUATION

The bill requires SDE to establish an ELL pilot program for four school districts with high percentages of ELL students and a RESC for the 2015-16 and 2016-17 school years. The program must be established in consultation with higher education public institutions and language acquisition experts. (It is not clear how districts can be selected, consultations performed, and the pilot program established between the time the bill passes and school begins this fall.)

SDE must select the following participants for the program:

1. the three school districts with the highest total number of ELL students,
2. the school district with the highest percentage of ELL students to total student population, and
3. the RESC that serves the region with the greatest need for services and support for ELL students.

Pilot program participants must develop research-based language acquisition plans for ELL students in consultation with SDE, public institutions of higher education, or language acquisition experts. They must consider such things as the (1) school district or region size, (2) ELL student population characteristics, (3) school district or region geography and demography, and (4) number of bilingual education teachers and the native languages of the student population.

The ELL pilot program must be evaluated by an independent evaluator from an institution of higher education or a professional evaluator with expertise in language acquisition. The evaluation must be submitted to SDE and the Education Committee by October 1, 2017.

§§ 10 & 11 — MASTERY EXAMS IN NATIVE LANGUAGES

The bill requires SDE, by July 1, 2017, to develop state mastery examinations (see BACKGROUND) in the five most common native languages of students eligible for bilingual education in Connecticut. In developing these examinations, SDE must first develop a mastery examination in the native language most common among the eligible students and develop subsequent examinations according to the next most common native language among the eligible students.

The bill also requires SDE, beginning with the 2017-18 school year, to offer the mastery examinations in the five most common native languages of students meeting the bilingual education eligibility criteria who are taking the tests.

§§ 10 & 12 — MASTERY EXAMINATIONS AND BILINGUAL STUDENTS

The bill prohibits the state mastery test scores of certain bilingual students from being used to (1) calculate the school or district performance indices or (2) determine indicators of student academic growth and development in a teacher performance evaluation. Beginning with the 2015-16 school year, the students' scores will not be included in the index calculations if the students have been in a bilingual education program for less than 20 consecutive months. By law, all school districts must adopt teacher evaluation plans that evaluate teachers, in part, by including the performance of the teacher's students on state mastery examinations.

§ 12 — TEACHER EVALUATIONS AND BILINGUAL STUDENTS

Under current law, SBE had until July 1, 2012 to adopt new teacher evaluation guidelines in consultation with the Performance Evaluation Advisory Council (PEAC). The bill requires SBE to adopt new teacher evaluation guidelines in consultation with PEAC by July 1, 2016 that include the bill's provision that bilingual student mastery test scores be excluded from teacher evaluation if the students have had less than 20 consecutive months of bilingual education. But the bill does not change an existing corresponding date, September 1, 2013, by which all local or regional boards of education were required to adopt and implement new teacher evaluation programs consistent with the SBE guidelines. It is not clear whether all boards of education are required to adopt new programs if SBE adopts new guidelines.

§ 13 — ALLIANCE DISTRICT PLANS AND ELL STUDENTS

Under current law, alliance districts must submit a plan to SDE in order to receive the increase in education cost sharing aid that started in 2013 for alliance districts (see BACKGROUND). The bill adds the enhancement of bilingual education programs or other language acquisition programs to the list of allowable things that can be included in an alliance district plan.

§§ 14 &15 — RESC SURVEY AND FEASIBILITY STUDY FOR IMPROVED ELL SERVICES

The bill requires each of the state's six RESCs to:

1. conduct a survey, by July 1, 2016, of ELL services and bilingual education programs provided in the RESC's region to identify the need for enhanced or new RESC-provided ELL services and bilingual education programs and
2. study the feasibility of providing and administering new ELL services and bilingual education programs at least equal to those the local and regional boards of education currently provide in that region.

The survey must at least include:

1. an inventory of ELL services and bilingual education programs boards of education provide to public school students,
2. the number of students receiving ELL services or enrolled in bilingual education programs provided by a board,
3. each school district's total cost for all ELL services and bilingual education programs and each school district's cost for each service or program.

Each RESC must develop and maintain its own survey procedure and can conduct subsequent surveys as necessary.

The feasibility study must:

1. identify new and current ELL services and bilingual education programs the RESC provides;
2. consider the areas of need identified in the survey conducted pursuant to the bill;
3. consider the infrastructure, planning, personnel, funding, and additional needs required to initiate and maintain RESC-

provided ELL services and bilingual education programs; and

4. recommend sites for future ELL services and bilingual education programs the RESC could provide and a timeline to implement the programs.

Under the bill, each RESC must submit the feasibility study, by October 1, 2016, to the SBE and the Education Committee.

BACKGROUND

Alliance Districts

By law, alliance districts are the 30 school districts with the lowest District Performance Index (DPI) scores based on 2013 student mastery test scores (CGS § 10-262u). The DPI is a weighted index score of each school district based on how many students in the district perform at each of the levels under which student mastery test scores are categorized.

State Mastery Exams

By law, state mastery examinations are administered in:

1. grades 3 – 8, inclusive, and grade 10 or 11 for reading, writing, and math, and
2. grades 5, 8, and 10 or 11 for science.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute Change of Reference
Yea 28 Nay 5 (03/27/2015)

Appropriations Committee

Joint Favorable
Yea 36 Nay 20 (04/29/2015)